

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

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20 June 2012

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 16/5 and 17/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the alleged threats against the family of Mr. **Alexandre Anderson de Souza**, head of the Associação dos Homens do Mar – AHOMAR (Association of Seamen). AHOMAR is an organisation which aims to defend the rights of fisher folk in Rio de Janeiro.

Mr. Alexandre Anderson de Souza and his wife, Ms. **Daize Menezes de Souza**, have survived several assassination attempts and they have received threatening phone calls on many occasions. On 8 September 2010, Mr. Anderson de Souza was provided with police protection by the National Protection Programme for human rights defenders.

Both of them were the subjects of a previous communication sent to your Excellency's Government on 1 December 2010, by our respective mandates. This communication concerned an alleged attempt to kill Mr. Alexandre Anderson de Souza and his wife. We regret that to date no reply has been transmitted by your Excellency's Government to this communication.

According to the information received:

On 12 June 2012, at approximately 4:00 a.m., Mr. Alexandre Anderson de Souza left his home to attend meetings in Brasilia. It is reported that following her husband's departure, Ms. Daize Menezes de Souza noticed that the guards assigned to her in accordance with the protective measures granted in 2010 were not present while at the same time she received several threatening phone calls. Furthermore, several cars she had not seen before were stationed outside of the house.

It is alleged that it had been arranged days before for guards to be present at the house during her husband's absence.

While we welcome the fact that protection measures were granted to Mr. and Ms, de Souza following the reported attacks against them, as described in our initial communication, we fear that they remain at risk of execution in relation to the exercise of their legitimate human rights activities, particularly in light of the persistent threats she and her husband have received in the past and previous attempts on their lives. In this regard, concern is expressed at the alleged absence of protection measures at the time of the alleged threats.

While we do not wish to prejudge the accuracy of these allegations, we should like to appeal to your Excellency's Government to seek clarification of the information received. With regards to the applicable legal framework, we wish to refer to the international instruments mentioned in our communication dated 1 December 2010.

In view of the urgency of the matter, we would appreciate a response on the steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with its international human rights duties.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. In the event that the alleged perpetrators of the threats are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please indicate whether the protective measures granted by the National Protection Programme for human rights defenders are being implemented in an effective manner and if not, what measures that have been put in place to ensure that they are.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected, and in particular their right to life and security. In the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions